



Atty. Dkt. No. 016778-0470

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Masataka ANDOH et al.

Title: cDNA MICROARRAY DATA CORRECTION SYSTEM,
METHOD, PROGRAM, AND MEMORY MEDIUM

Appl. No.: 10/696,572

Filing Date: 10/30/2003

Examiner: Eric S. Dejong

Art Unit: 1631

Confirmation Number:
5923

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

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TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(d), before payment of the issue fee.

RELEVANCE OF EACH DOCUMENT

The documents listed on the attached PTO/SB/08 were cited as being relevant during the prosecution of the corresponding Japanese application. A partial English translation of the Japanese Office Action of June 17, 2009, follows:

Claims 1-24

Cited reference 1, 2

Remarks

Cited reference 1 describes a method to correct deformation due to coordinate of spotted gene as a corrective microarray expression data.

Standardize expression data and correcting differences in sensitivity of fluorescence pigment are known in the art, and it is obvious is for one of ordinary skill in the art(for instance cited reference 2).

Cited reference list

1. Keiko Ooya, Gene expression situation analysis based on cDNA microarray data, Japan Federation of Statistical Science Association Meeting Report, Japan, September, 2002, p68-69

2. Yang, Y.H. Normalization for cDNA microarray data: a robust composite method addressing single and multiple slide systematic variation, Nucleic acid research, February, 2002, Vol. 30, No. 4, e15.

A copy of Document B2 is not attached, as this document was submitted with Applicant's Information Disclosure Statement of July 1, 2004.

Any document listed on the attached PTO/SB/08 was cited as being relevant during the prosecution of the corresponding Japanese application. A copy of the Japanese Office Action is attached.

Applicants respectfully request that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

STATEMENT

The undersigned hereby states in accordance with 37 CFR §1.97(e)(1) that each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to filing of this Statement.

FEE

A credit card payment form in the amount of \$180.00 is enclosed to cover the fee associated with an information disclosure statement under 37 CFR §1.97(d).

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this submission under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment form being unsigned, providing incorrect information resulting in a

rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date: August 5, 2009

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